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W.P.No.21198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16..08..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.21198 of 2023

and

W.M.P.No.20603 & 20604 of 2023

B.Lakshmipathi

..... Petitioner

-Versus-

1.The Registrar,
Anna University,
Chennai.

2.The Dean,
University College of Engineering Kancheepuram,
Kancheepuram.

..... Respondent

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 1st respondent in his proceedings Memo No.KPM/PR26/2018 dated 31.10.2018 and consequential extension order dated 14.06.2019 and to quash the same as being illegal and unsustainable in law.

For Petitioner : *Ms.N.Kavitha Rameshwar*

For Respondent (s) : *Mr.Avinash Watwani*
for RR1 and 2



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ORDER

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2. The petitioner was appointed as a Lecturer in Computer Science and Engineering Department in Government College of Technology, Anna University, Coimbatore, on 05.08.2008. His probation was declared on 22.01.2011 w.e.f. 18.08.2010. Thereafter, he was transferred from Coimbatore to University College of Engineering, Kancheepuram through proceedings dated 10.06.2014. He has been working as Assistant Professor at the 2nd respondent college. While so, he was placed under suspension by proceedings dated 31.10.2018. He was issued with charge memorandums dated 11.11.2019 and 05.08.2021 levelling the charges of misappropriation and transferring the funds to his own account. Thereafter, enquiry was conducted and the enquiry officer submitted his report holding that the charges were proved. Accordingly, the disciplinary authority on the basis of the finding of the enquiry officer imposed had imposed a major penalty of compulsory retirement and to recover the amount from the petitioner.



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3. Earlier, the order of punishment imposed against the petitioner was put in challenge in W.P.No.20528 of 2023 and this court, by order dated 14.07.2023, allowed the above said writ petition and set aside the punishment holding that the punishment was predetermined and remitted the matter to the disciplinary authority to proceed with the disciplinary proceedings afresh from the stage of issuing show cause notice. The relevant paragraph of the order of this court are extracted hereunder:-

“14. Admittedly, the resolution of the syndicate which was the basis for issuance of the second show cause notice reflects that the syndicate has predetermined the punishment to be imposed on the petitioner. Thus, it requires interference at the hands of this court. Consequently, the impugned show cause notice is also liable to be set aside. Therefore, both the resolution of the syndicate and the show cause notice impugned in the writ petition are liable to be quashed and the matter is remitted to the disciplinary authority to proceed with the disciplinary proceedings afresh from the stage of issuing show cause notice.

In the result, this writ petition is allowed. The impugned resolution of the syndicate of Anna University and the show cause notice are set aside. The 1st respondent is directed to give a fresh show cause



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notice to the petitioner within a period of one week from the date of receipt of a copy of this order calling upon him to submit his further explanation on the enquiry report in ten days. Thereafter, if any explanation is submitted by the petitioner within the stipulated time, the respondents shall place the same before the syndicate for taking appropriate decision in the matter. If no such explanation is submitted by the petitioner within the stipulated time, it is open to the disciplinary authority to place the matter before the syndicate and thereafter take a decision on imposition of punishment. It is made clear that the disciplinary authority will have to continue the disciplinary proceedings from the stage of issuing show cause notice calling upon the petitioner to submit his explanation for the enquiry report.”

4. What that be so, the present writ petition has been filed challenging the order of suspension. No doubt, keeping an employee under suspension for long years and paying subsistence allowance for an unspecified period would cause financial loss to the state exchequer. However, the facts remains that in the instant case enquiry was over and disciplinary proceeding is at the final stage. Hence, at this stage, this court is not inclined to interfere with the order of suspension. It is for the respondents to expedite the disciplinary proceedings



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and to conclude it within the time limit as directed by this court earlier by order dated 14.07.2023 in W.P.No.20528 of 2023. The petitioner is not entitled for any relief in this writ petition and the writ petition deserves only to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMPs are closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

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Anna University,
Chennai.
- 2.The Dean,
University College of Engineering Kancheepuram,
Kancheepuram.



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N.SATHISH KUMAR.J.,
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